

sary to authorise the building owner to pull down, repair, or rebuild any party structure, or to perform any other works incident thereto, the building owner shall in the first instance make application with reference thereto to the official referees; and such application shall contain information as to the locality and relative situation of the premises, and the persons and purposes by whom and for which the same respectively are occupied, and as to the character and nature of the works proposed to be erected, and the mode in which it shall be proposed to execute the same, and shall also state, to the best of the applicant's knowledge and belief, who is the owner of, or interested in, the said adjoining premises; and upon the receipt of such application, and upon being furnished with such further information relative thereto as the official referees or the registrar of metropolitan buildings may in any case require, the official referees shall direct the applicant to give notice of the application to such persons and in such terms as they shall think proper, and such notice to be served upon such persons and in such manner as they shall direct; and upon the official referees being satisfied that the notices so directed to be given have been duly given, they shall, with all convenient speed, direct the surveyor to survey the premises, as well of the building owner as of the adjoining owner, with reference to the matters stated in such application, and to consider any alteration or modification of the said works which any party interested may propose, with a view to render the same more suitable to the adjoining premises, and to report to the official referees his opinions upon the following matters, or such of them as shall be applicable; that is to say, first, as to the existing party structure, whether such party structure be wholly or partially of timber or brick-noggiog, or have timbers laid in and running through, or be dependent upon timber supports or abutments, and to what extent; whether such party structure be insufficient or defective with reference to the provisions of the Metropolitan Buildings Act; whether such party structure be either wholly or partially ruinous, unsound or out of repair, and to what extent; secondly, as to the work to be done, whether it be necessary for the purpose of forming a proper party structure to take down and rebuild such party structure, or whether any and what less amount of work would be sufficient for that purpose; whether the party-wall (if rebuilt) should stand equally on each side of the line of junction, and, if not, then to what extent it should occupy the ground of one owner more than the ground of the other owner; whether any and how much ground or soil, or other part of the premises, ought to be taken from the premises of the building owner or of the adjoining owner, and laid to the premises of the other, either on account of the substitution of party-walls for party arches or floors, or on account of the erection of a straight party-wall instead of a crooked party-wall; thirdly, as to the expenses of the work and the compensation, whether the expenses of the works to be done ought to be borne by the building owner or the adjoining owner, or by both of them, and in what proportion, having reference to the amount of work necessary to be done, in order to render such party structure a proper party structure, and having reference to the difference (if any) in the rates of the buildings adjoining thereto; whether any and what compensation ought to be paid by the building owner or the adjoining owner to the other, either in lieu of loss of ground or soil, or other part of either of the

buildings by such works, or as a satisfaction for such other loss or injury (if any) as shall be occasioned or done thereby to either of the parties with regard to the internal finishings or decorations of such buildings, or with regard to loss of trade or otherwise, by whom and in what proportion the expenses of the survey and the fee of the district surveyor should be borne; and upon the receipt by the district surveyor of such direction as aforesaid, the district surveyor shall appoint a day and hour at which he will survey the premises, and shall give at least seven days' notice thereof to the applicant, and to such other persons as the official referees shall have directed him to give notice to; and at the day and hour so appointed he shall proceed to survey the premises, and all persons interested shall be entitled to attend such survey; and after such survey the district surveyor shall with all convenient speed report his opinion upon the matters aforesaid, and such other matters as may have been submitted to him, to the official referees, and shall give notice of such report being made to the applicant and to the other persons interested therein as aforesaid, and within seven days after the giving of such notice, it shall be lawful for any person interested to appeal to the official referees against such report, or any particular thereof."

If no appeal within seven days, award to be made.

16. Provides, that although consent of adjoining owner, or award of referees, shall have been obtained, not less than fourteen days' notice shall be given to occupier. If building owner desire to commence the works before expiration of three months' notice to adjoining owner, he may appeal to referees, who have power, after a hearing, to shorten the time.

17. Requires building owner, who may desire to excavate below the level of a party-wall, or within a certain distance from external wall belonging to adjoining owner, to give one month's notice, and to securely shore up the adjoining premises before making the excavation.

18. Enacts, that if the wall be injured by such operations so as to be ruinous or dangerous, surveyor may condemn it, and the building owner shall rebuild or repair it, or build an external wall against the party-wall. Referees, on application, shall proportion the costs.

19. Requires, that before any building owner take down any wall or building abutting on adjoining owner's building, he shall give one month's notice. If adjoining owner does not cause building to be shored, building owner may do so, and recover the expense.

20. Repeals so much of the first Act as relates to the stopping up of openings in external walls adjoining the ground of adjoining owner, and authorises application to official referees to stop such as have been made within twenty years, in case of refusal to do so without: "Provided always, That nothing herein contained shall prejudice or otherwise affect the right of any person to make and retain any opening in any external wall in cases in which by grant, prescription, or otherwise, he is or may be entitled to the access of light or air from the adjoining ground or premises."

21. Requires the district surveyor to inspect any building supposed to be dangerous, and certify to official referees, also to local officers. If dangerous, notice to be given to the owner to pull down within fourteen days. Local officers or owner may appeal to referees.

22. Requires local officers to secure the building; and if within the stated time same

be not taken down or secured by owner, they shall do so, and pay all the costs.

23. Provides for the recovery of costs.

24. That service of all notices may be proved by statutory declaration.

25. Sets forth that awards, &c., made by the referees need not recite formal matters.

26. Provides that all fees of office "shall be recoverable by the ways and means by the said first-recited Act provided, with regard to moneys charged in respect of any work, in the same manner as if such fees of office, costs, and other moneys had been expressly named therein."

27. Makes the Act a public Act; and

28. Admits the repeal of it in the present session.

SCHEDULE A makes certain alterations in the schedules of the first Act; the chief of which are as follows:—

"Alterations in Schedule (C.) Part II., under the head of 'Warehouses, &c.'—If a building of the second, or warehouse class, be used exclusively as a manufactory or workshop, then if it be built wholly fire-proof, or if it should appear in the satisfaction of the official referees, or, in case of appeal, of the Commissioners of Works and Buildings, that no additional danger of fire would be incurred, it may be made of any dimensions without being divided by party-walls.

Alterations in Schedule (D.), Part I., under the head of 'Thickness of Enclosing Walls to Stories of Buildings of whatever rate.'—If a building of the first, or dwelling-house class, and of any rate, except the fourth rate, do not exceed the height allowed for a building of the next lower rate, and if there be at least one internal cross-wall extending from party-wall to party-wall, and carried up from the same level as such party-walls to the underside of the floor of the topmost story, the party-walls of such building may be built of the thicknesses prescribed for buildings of the next lower rate; but subject in all cases to the following conditions:—

First. That such cross-wall (if there be only one) be at a distance from the extremities of the party-wall of not less than one-third of the length of the party-wall.

Secondly. That if there be two such cross-walls, such cross-walls be at a distance from each other, and from the extremities of the party-wall, of not less than one-sixth of the length of the party-wall.

Thirdly. That such cross-wall be not less than 8½ inches in thickness; and that in buildings of the first-rate or extra first-rate, such cross-wall be not less than 13 inches in thickness wherever it meets a party-wall of the thickness of 17 inches or upwards, and to the same height.

Fourthly. That no openings be made in such cross-wall in any story of a greater height than three-fourths of the height of the story; and that all the openings in the same story taken together do not exceed one-half of the length of the cross-wall; and that over every such opening there be a discharging arch, tied with cradle bars, or a sufficient stone or iron lintel.

Fifthly. That bond or plate be not introduced into such cross-wall in such a manner as to break the vertical continuity of the brick-work in the piers.

Every cross-wall having the effect of diminishing the thickness of a party-wall under the above provisions, shall be subject, as well with regard to its original construction as to any subsequent alteration in or operation upon